

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YASMINA LAHLOU,

Plaintiff,

-v.-

BELLATORRA SKIN CARE, LLC,
NATHAN HALSEY, and EVA BOWEN,

Defendants.
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ORDER TO SHOW CAUSE

18-CV-1690 (GBD) (JLC)

JAMES L. COTT, United States Magistrate Judge.

The complaint in this case was filed on February 23, 2018. Dkt. No. 1. All three defendants failed to timely file responsive pleadings but plaintiff, who is represented, did not take any further action at that time to prosecute her case. On May 31, 2018, the Honorable Deborah A. Batts, to whom this case was originally assigned, issued an order to show cause why plaintiff's complaint should not be dismissed for failure to prosecute and requested that plaintiff either show cause or move for a default judgment. Dkt. No. 8. Plaintiff subsequently requested two extensions of time to file a motion for default judgment, which the Court granted. Dkt. Nos. 9-12.

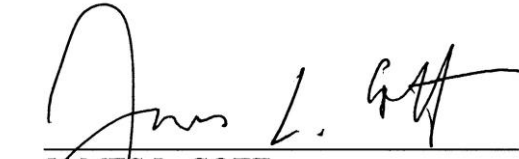
On January 16, 2019, plaintiff moved for a default judgment against two of the three defendants: Bellatorra Skin Care, LLC ("Bellatorra") and Eva Bowen ("Bowen"). Dkt. No. 27. The Court granted the motion as to defendant Bellatorra but denied it as to defendant Bowen, who had by that time filed a notice of appearance pro se. Dkt. Nos. 35, 39. The Court also dismissed plaintiff's claims against defendant Nathan Halsey for failure to prosecute. *Id.* Thereafter, on November 7, 2019, defendant Bowen filed a motion to dismiss. Dkt. No. 44. Plaintiff did not file any opposition papers or otherwise respond to defendant Bowen's motion.

The case was subsequently reassigned to the Honorable George B. Daniels and Judge Daniels subsequently referred this case to me for general pretrial supervision and for all dispositive motions. Dkt. No. 46. On April 1, 2020, I ordered plaintiff to file a response to defendant Bowen's motion to dismiss by May 1, 2020. Dkt. No. 47. The order warned that "[i]f no opposition (or a request for additional time to file opposition papers) is received by that date, the Court will consider Bowen's motion to be unopposed." *Id.* I also directed plaintiff to file Proposed Findings of Fact and Conclusions of Law concerning all damages and any other monetary relief that she seeks against defendant Bellatorra no later than May 8, 2020. *Id.* To date, plaintiff has neither filed her opposition papers to the motion to dismiss nor her Proposed Findings of Fact and Conclusions of Law in support of her default judgment motion. Nor has plaintiff requested additional time.

Accordingly, plaintiff is hereby ordered to show cause why this action should not be dismissed as to the remaining defendants for failure to prosecute and for failure to comply with the Court's order. Such showing shall be made by filing a written response to this Order no later than **May 28, 2020**. If no response is received by that date, I will recommend to Judge Daniels that he dismiss this case for failure to prosecute, as no lesser sanction would be effective in these circumstances.

SO ORDERED.

Dated: May 14, 2020
New York, New York



JAMES L. COTT
United States Magistrate Judge